

[Skip to main content](#)**19 MISC 000009 The Haven Center, Inc. , et al. v. Town of Bourne , et al. VHAY**

- Case Type
- Miscellaneous
- Case Status
- Open
- File Date
- 01/04/2019
- DCM Track:
- 
- Initiating Action:
- ZJA - Validity of Zoning, G. L. Chapter 240, Sec. 14A and Chapter 185, § 1(j 1/2)
- Status Date:
- 01/04/2019
- Case Judge:
- Vhay, Hon. Michael D
- Next Event:
- 
- 

**Property Address**

Bourne

[All Information](#)
[Party](#)
[Event](#)
[Docket](#)
[Financial](#)
[Receipt](#)
[Disposition](#)

**Party Information**

**The Haven Center, Inc.**  
- Plaintiff

**Party Attorney**

- Attorney
- Zehnder, Esq., Benjamin E
- Bar Code
- 556519
- Address
- La Tanzi, Spaulding & Landreth LLP
- PO Box 2300
- Orleans, MA 02653
- Phone Number
- (508)255-2133

[More Party Information](#)**MacArthur Park Place LLC**

- Plaintiff

**Party Attorney**

- Attorney
- Zehnder, Esq., Benjamin E
- Bar Code
- 556519
- Address
- La Tanzi, Spaulding & Landreth LLP
- PO Box 2300
- Orleans, MA 02653
- Phone Number
- (508)255-2133

[More Party Information](#)**Town of Bourne**

- Defendant

**Party Attorney**

- Attorney
- Troy, Esq., Robert Sweeney
- Bar Code
- 503160
- Address
- Troy Wall Associates
- 90 Old Kings Highway
- Sandwich, MA 02563

- Phone Number
- (508)888-5700

[More Party Information](#)

**Meier, Peter J.**  
- Defendant

**Party Attorney**

- Attorney
- Troy, Esq., Robert Sweeney
- Bar Code
- 503160
- Address
- Troy Wall Associates  
90 Old Kings Highway  
Sandwich, MA 02563
- Phone Number
- (508)888-5700

[More Party Information](#)

**Macleod-Froman, Judith**  
- Defendant

**Party Attorney**

- Attorney
- Troy, Esq., Robert Sweeney
- Bar Code
- 503160
- Address
- Troy Wall Associates  
90 Old Kings Highway  
Sandwich, MA 02563
- Phone Number
- (508)888-5700

[More Party Information](#)

**Potter, James L.**  
- Defendant

**Party Attorney**

- Attorney
- Troy, Esq., Robert Sweeney
- Bar Code
- 503160
- Address
- Troy Wall Associates  
90 Old Kings Highway  
Sandwich, MA 02563
- Phone Number
- (508)888-5700

[More Party Information](#)

**Slade, George G.**  
- Defendant

**Party Attorney**

- Attorney
- Troy, Esq., Robert Sweeney
- Bar Code
- 503160
- Address
- Troy Wall Associates  
90 Old Kings Highway  
Sandwich, MA 02563
- Phone Number
- (508)888-5700

[More Party Information](#)

**MacDonald, Jared P.**  
- Defendant

**Party Attorney**

- Attorney
- Troy, Esq., Robert Sweeney
- Bar Code
- 503160
- Address
- Troy Wall Associates  
90 Old Kings Highway  
Sandwich, MA 02563

- Phone Number
- (508)888-5700

[More Party Information](#)

## Events

<a href="#">Date</a>	<a href="#">Type</a>	<a href="#">Event Judge</a>	<a href="#">Result</a>
01/31/2019 10:45 AM	Case Management Conference	Vhay, Hon. Michael D	Case Management Conference held

## Docket Information

<a href="#">Docket Date</a>	<a href="#">Docket Text</a>	<a href="#">Amount Owed</a>
01/04/2019	Complaint filed.	
01/04/2019	Case assigned to the Average Track per Land Court Standing Order 1:04.	
01/04/2019	Land Court miscellaneous filing fee Receipt: 397905 Date: 01/04/2019	\$240.00
01/04/2019	Land Court surcharge Receipt: 397905 Date: 01/04/2019	\$15.00
01/04/2019	Land Court summons Receipt: 397905 Date: 01/04/2019	\$30.00
01/04/2019	Uniform Counsel Certificate for Civil Cases filed by Plaintiff.	
01/11/2019	The case has been assigned to the A Track. Notice sent.  Judge: Vhay, Hon. Michael D	
01/11/2019	Order, Issued. (Copy Sent to Attorney Benjamin E. Zehnder)	
01/11/2019	Event Scheduled Judge: Vhay, Hon. Michael D Event: Case Management Conference Date: 01/31/2019 Time: 10:45 AM  Notice sent to Plaintiff	
01/16/2019	Citation by publication in the Bourne Enterprise or Bourne Courier, returnable 03/04/2019, issued.	
01/22/2019	Summons returned to Court with service on Town of Bourne, Peter J. Meier Member of the Board of Selectmen of the Town of Bourne, Judith Macleod-Froman Member of the Board of Selectmen of the Town of Bourne, James L. Potter Member of the Board of Selectmen of the Town of Bourne, George G. Slade Member of the Board of Selectmen of the Town of Bourne, Jared P. MacDonald Member of the Board of Selectmen of the Town of Bourne filed.	
01/29/2019	Joint Case Management Conference Statement filed.	
01/31/2019	Case Management Conference Held: Case Management Conference scheduled on: 01/31/2019 10:45 AM Has been: Case Management Conference held Hon. Michael D Vhay, Presiding Appeared: Staff:	
01/31/2019	Case management conference and initial intervention event held. All parties appeared through counsel. Plaintiffs contend that (1) Bourne's general bylaw regarding non-medical cannabis facilities violates the Zoning Act, and (2) the Town's selectmen improperly have refused to negotiate a "host community agreement" (the "HCA") with Plaintiffs. The Town argues that its general bylaw is lawful and that, in fact, one of the Plaintiffs terminated negotiations over the HCA. The Court questioned its subject-matter jurisdiction over the HCA issue. Accordingly, unless Plaintiffs sooner dismiss their HCA-related claims, the Court ORDERS Plaintiffs to file by February 14, 2019 a memorandum explaining why the Land Court has subject-matter jurisdiction to over Plaintiffs' HCA issues. The Court ORDERS the Town to file within fourteen days of receipt of Plaintiffs' memorandum any responsive memorandum. All parties assent to receiving notice from the Court via electronic mail instead of regular mail. SO ORDERED.  Notice of Docket Entry sent to parties  Judge: Vhay, Hon. Michael D	
01/31/2019	Plaintiffs' Return of Service on January 16, 2019 Order of Notice filed.	
01/31/2019	Notice of Appearance of Robert Troy, Esq. for Defendants, Town of Bourne et al, filed..	
01/31/2019	Defendants, Town of Bourne and Bourne Board of Selectmens' Answer to Plaintiffs' Complaint filed.	

**Financial Summary**

<u>Cost Type</u>	<u>Amount Owed</u>	<u>Amount Paid</u>	<u>Amount Dismissed</u>	<u>Amount Outstanding</u>
Cost	\$285.00	\$285.00	\$0.00	\$0.00
Total	Total	Total	Total	Total
	\$285.00	\$285.00	\$0.00	\$0.00

**Receipts**

<u>Receipt Number</u>	<u>Receipt Date</u>	<u>Received From</u>	<u>Payment Amount</u>
397905	01/04/2019	Zehnder, Esq., Benjamin E	\$285.00
Total	Total	Total	Total
			\$285.00

**Case Disposition**

<u>Disposition</u>	<u>Date</u>	<u>Case Judge</u>
Undisposed		Vhay, Hon. Michael D